

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	Cr. No. 3:09-826 (CMC)
)	
v.)	OPINION and ORDER
)	
Alfred Outen, III,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant’s motion for this court to issue a ruling relating to certain pending motions in “unpublished” form. ECF No. 1299. The court construes Defendant’s motion as a motion to seal.¹

The court finds this matter is controlled by the public’s First Amendment right of access to court records. “When the First Amendment provides a right of access, a district court may restrict access [to judicial records] only on the basis of a compelling governmental interest, and only if the denial is narrowly tailored to serve that interest.” *Va. Dep’t of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004) (quotation and citation omitted). The burden to overcome a First Amendment right of access rests on the party seeking to restrict access, and that party must present specific reasons in support of its position. *See Press–Enterprise Co. v. Superior Court*, 478 U.S.1, 15 (1986) (“The First Amendment right of access cannot be overcome by [a] conclusory assertion”). Additionally, in order to grant a motion to seal a document, a district court is required to: (1) provide public notice of its intent and an opportunity for objection; (2) consider less drastic

¹Defendant has also filed a motion for a copy of the docket sheet of his case. ECF No. 1292. The court **grants** Defendant’s motion and directs the Clerk to provide Defendant with a copy of the docket sheet.

alternatives; and (3) provide specific reasons and factual findings for rejecting the alternatives and granting the motion to seal. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

The Defendant's motion to seal provides public notice of the issue and an opportunity for objection. Because the privacy interest of the person involved outweighs the public's interest in access to materials related to this matter, and because there are no less drastic measures available at this time, the court **grants** Defendant's motion to seal. ECF No. 1299. Should any person seek to challenge the sealing of the Government's response, a motion seeking to unseal documents shall address the factors governing sealing reflected in controlling case law.

The order issued contemporaneously with this order shall be filed under seal.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 10, 2015